



IPW

PATENT
Customer No. 22,852
Attorney Docket No. 07883.0063

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Peter BOEKSTEGERS et al.) Group Art Unit: 3738
)
Application No.: 10/671,581) Examiner: PREBILIC, PAUL B
)
Filed: September 29, 2003)
)
For: METHODS OF) Confirmation No. 1494
RETROPERFUSION AND)
RELATED DEVICES)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

The Office Action mailed January 3, 2006 required Applicants to elect one of the following allegedly distinct inventions for prosecution:

- I. Claims 1-44, 107, and 108, allegedly drawn to methods of treating the heart;
- II. Claims 45-94, 105, 106, 109, and 110, allegedly drawn to a system for treating a heart (the combination);
- III. Claims 95-104, allegedly drawn to a device (the subcombination); and
- IV. Claims 111-112, allegedly drawn to a stent.

Without necessarily agreeing with the characterizations made in the Office Action, Applicants respectfully elect Group I, claims 1-44, 107, and 108 for prosecution, without traverse.

The Office Action also required Applicants to elect one of the following allegedly patentably distinct species from each species set:

Species Set I (methods)

A) Figure 1;

B) Figure 2;

Species Set II (obstruction devices or elements)

- | | |
|--------------|------------------------|
| 1. Figure 3 | 7. Figure 8 |
| 2. Figure 4B | 8. Figure 9 |
| 3. Figure 5A | 9. Figures 10A and 10D |
| 4. Figure 5B | 10. Figure 11 |
| 5. Figure 6 | 11. Figure 12A to 13 |
| 6. Figure 7 | 12. Figure 14A and 15. |


Without necessarily agreeing with the characterizations made in the Office Action, Applicants respectfully elect Species A, Figure 1 from Species Set I, and Species 9, Figures 10A and 10D from species Set II for prosecution, without traverse. Of the Group I claims, at least claims 1-17, 19-22, 30-31, 33-44, 107, and 108 read on Figure 1 and Figures 10A and 10D.

If there is any fee due in connection with the filing of this Response, please
charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 27, 2006

By: 
Michael W. Kim
Reg. No. 51,880